

13739. Adulteration of canned cherries. U. S. v. 17 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20116. I. S. No. 24544-v. S. No. E-5331.)

On June 13, 1925, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 17 cases of canned cherries, remaining in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped by the W. N. Clark Co., Rochester, N. Y., on or about April 7, 1925, and transported from the State of New York into the State of Connecticut, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Extra Quality New York State Pitted Red Cherries Packed by W. N. Clark Co. Rochester, N. Y."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 19, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13740. Adulteration of tomato paste. U. S. v. 10 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20150. I. S. No. 14269-v. S. No. E-5358.)

On or about July 6, 1925, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 cases of tomato paste, remaining in the original unbroken packages at New London, Conn., alleging that the article had been shipped by Wm. Silver & Co., Georgetown, Del., on or about November 15, 1924, and transported from the State of Delaware into the State of Connecticut, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Venetian Queen Brand Tomato Paste (Venice Style) Prepared By The Townsend Co. Georgetown, Del."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, putrid, and decomposed vegetable substance.

On August 19, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13741. Adulteration and misbranding of jams. U. S. v. 50 Cases and 232 Cases of Assorted Jams. Products released under bond. (F. & D. Nos. 20254, 20280. I. S. Nos. 23252-v to 23263-v, inclusive. S. Nos. W-1746, W-1753.)

On July 25, 1925, the United States attorney for the District of Wyoming, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 282 cases of assorted jams, remaining in the original unbroken packages at Sheridan, Wyo., consigned by the Pure Food Mfg. Co., Denver, Colo., alleging that the articles had been shipped from Denver, Colo., on or about April 14, 1925, and transported from the State of Colorado into the State of Wyoming, and charging adulteration and misbranding in violation of the food and drugs act as amended. The said jams were labeled in part: "Delicious Brand Compound Of Pectin, Sugar And Blackberry" (or "Raspberry" or "Peach" or "Plum" or "Strawberry" or "Loganberry") "Jam" and "Delicious Brand Apple Pectin and Plum Jam. Packed By The Pure Food Mfg. Co., Denver, Colo." The containers in 232 cases were further labeled "Contents 4 Lbs. 10 Ozs."

Adulteration of the articles was alleged in the libels for the reason that water had been mixed and packed therewith so as to reduce, lower, and injuriously affect their quality and strength and had been substituted in part for the said articles.

Misbranding was alleged for the reason that the labels bore the statements "Compound Of Pectin, Sugar And Blackberry Jam" or "Raspberry," "Peach," "Plum," "Strawberry," or "Loganberry" or "Apple Pectin and Plum Jam," as the case might be, which said statements were false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to the product contained in the said 232 cases for the further reason that they

were labeled "Contents 4 Lbs. 10 Ozs.," which label was false and misleading, in that the cans did not contain 4 pounds and 10 ounces of the product but a much less quantity, and for the further reason that the said products were in package form and the quantity of the contents was not plainly and correctly stated on the outside of each package, and for the further reason that they were imitations of and offered for sale under the distinctive names of other articles.

On July 31, 1925, the Pure Food Mfg. Co., Denver, Colo., having appeared as claimant for the property, decrees of the court were entered, ordering that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate amount of \$3,000, conditioned in part that they not be sold or disposed of contrary to law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13742. Misbranding of olive oil. U. S. v. Tamer K. Malouf (T. K. Malouf & Co.). Plea of guilty. Fine, \$100. (F. & D. No. 18996. I. S. Nos. 15390-v, 15392-v, 15393-v.)

On June 16, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Tamer K. Malouf, trading as T. K. Malouf & Co., New York, N. Y., alleging shipment by said defendant, in violation of the food and drugs act as amended, in various consignments, namely, on or about July 30 and December 12, 1923, and January 22, 1924, respectively, from the State of New York into the State of Massachusetts, of quantities of olive oil which was misbranded. The article was labeled in part, variously: "Net Contents 1 Gallon," "Net Contents One Quart," or "Net Contents One Gallon."

Misbranding of the article was alleged in the information for the reason that the statements "Net Contents 1 Gallon," "Net Contents One Quart," and "Net Contents One Gallon," borne on the respective sized cans containing the said article, were false and misleading, in that the said statements represented that the cans contained 1 gallon net or 1 quart net of the said article, as the case might be, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cans contained 1 gallon net or 1 quart net of the article, as the case might be, whereas the said cans did not contain the amounts declared on the labels but did contain less amounts. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On June 22, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13743. Adulteration and misbranding of tomato paste. U. S. v. 18 Cases et al. of Tomato Paste. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. No. 19217. I. S. No. 22665-v. S. No. C-4548.)

On December 3, 1924, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 100 cases of tomato paste, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Greco Canning Co., Inc., from San Francisco, Calif., on or about October 11, 1924, and transported from the State of California into the State of Louisiana and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "De Luxe Concentrated Tomato Sauce. Packed by Greco Canning Co. San Jose * * * Cal."

Adulteration of the article was alleged in the libels for the reason that a substance, an artificially colored tomato paste or sauce, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Concentrated Tomato Sauce," borne on the label, was false and misleading and deceived and misled the purchaser when applied to a concentrated tomato sauce containing artificial color not declared on the label.

On December 29, 1924, the Greco Canning Co., Inc., San Jose, Calif., having appeared as claimant for the property and having admitted the allegations